

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BHB ENTERPRISES, L.L.C., d/b/a  
Tycoon's Gallery of Games, and  
STANLEY H. McGUFFIN, Trustee  
for BHB Enterprises, L.L.C.,

Plaintiffs,

CIVIL ACTION NO. 06x50135

v.

DISTRICT JUDGE ARTHUR J. TARNOW

HAROLD BARMAN, EVELYN  
BARMAN, NORMAN BARMAN,  
and MICHAEL BAUMHAFT,

MAGISTRATE JUDGE VIRGINIA MORGAN

Defendants.

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**OPINION AND ORDER DENYING MOTIONS AS MOOT**

In this case, motions were filed by several parties seeking various relief. Oral argument was held. Following oral argument, counsel entered into a stipulated order to deposit funds. Upon review of that Order and the docket, the court concludes that the motions (D/E 33 Motion to Quash; D/E 38 Motion to Appoint Receiver; D/E 40 Motion for Contempt and Other Sanctions) should be denied. To the extent that there remains an interest in additional relief at this stage of the proceeding related to past events, counsel must file new motions setting forth the specific relief sought and the underlying reason therefore. However, all counsel are advised that the filing of frivolous motions, motions which are in fact merely responses, or which vexatiously multiply the proceedings will be grounds for sanctions.

**A. DEPOSIT ORDER: (D/E 64)**

1. This order was agreed to by the parties and entered by the court in September, 2006. It specifically references D/E 38 (Plaintiff's Motion for Various Relief, including Execution Against Sale & Property of Judgment Debtor), D/E 40 (Plaintiff's Motion for Appointment of Receiver, Determination of Writs of Garnishment, Determination of Contempt, Show Cause to Disclose Location of other Assets), and D/E 46 (Defendant Baumhaft's Motion for Entry of Order Permitting the Judgment to Paid in Installments).

These motions were heard with others on August 30, 2006. Following the hearing, counsel met and conferred ultimately agreeing to an order which the court reads as resolving the above motions. By its terms, the court finds that order "The Deposit Order" (D/E 64) terminated the above entries and any requested relief not granted by the agreed upon Deposit Order is denied without prejudice.

**B. ORDER OF SEPT. 20, 2006 (D/E 66):**

Also on August 30, 2006, other motions were heard. These included Motion to Quash directed to William Roush (D/E 53), and Defendant's Motion to Terminate Depositions (D/E 41). Following the relief ordered on other motions, these were deemed moot and an order to that effect was entered on September 20, 2006 (D/E 66).

Upon review of the docket, it appears that the Motion to Quash, Objections to Writs of Garnishment and Motion for Sanctions filed by Action Lending LLC, Michael Baumhaft, City Energy LLC, Energy Source LLC, Investors Funding LLC, Midwest Express Funding Inc., and Universal Home LLC (D/E 33) is moot and by this order the motion is denied.

The clerk is directed to make appropriate entries so that the same is reflected on the docket.

SO ORDERED.

s/Virginia M. Morgan  
Virginia M. Morgan  
United States Magistrate Judge

Dated: February 23, 2007

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**PROOF OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record via the Court's ECF System and/or U. S. Mail on February 23, 2007.

s/Jane Johnson  
Case Manager to  
Magistrate Judge Virginia M. Morgan